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**MATT BLUNT**

**SECRETARY OF STATE**

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

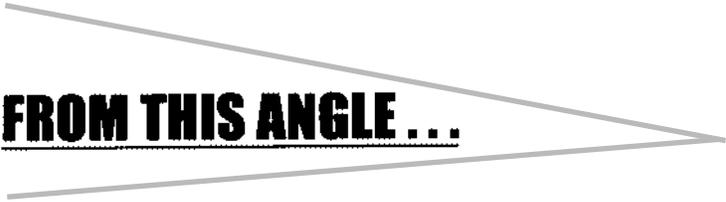
The rules are divided in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.



## **FROM THIS ANGLE . . .**

### **New Website**

Just another reminder . . . if you have not already done so, please visit our *new* and *improved* website — <http://www.sos.state.mo.us/>. We think you will agree our new site is much easier to navigate and has a wealth of information — right at your fingertips.

### **Rules revisions/amendments, etc.**

Each year when the legislative session draws to a close, we see a dramatic increase in revisions to rulemakings. *May we remind you to begin with us?!* When you begin a revision of your rule as it currently appears in *Code*, why not save yourself (and us) many hours of time re-keying and avoiding errors in advance? Please call our office at 751-4015 and ask us to either e-mail you a copy or send you a diskette of your rule as it currently exists in *Code*. You can then begin your amendments/revisions with the correct copy — and your rulemaking process will proceed in a faster manner and with fewer problems.

Additionally, if you do not have your new rulemaking manual, we still have a few copies available.

### **YOUR INPUT PLEASE!!!**

As we, like many others in state government, address our ongoing needs and goals in our strategic plans for 2003 and beyond, we have discussed the possibility of publishing the *Missouri Register* in electronic copy *only*. We respectfully request your input in this regard! What potential problems would it pose for your agency or for you personally, to only have the *Missouri Register* available in electronic copy on our website? Drop us an e-mail or give us a call regarding this subject.

We, of course, are looking for ways in which to save money while still maintaining our goal for excellence in our publications.

## E-Mail Notification Service

In a previous edition of **From this Angle**, we inquired of your level of interest in an e-mail notification service (you would be notified *via* e-mail whenever a specific topic or subject matter has been addressed by a rulemaking filed with our office). Do you feel this service would be beneficial to you or your agency? We also would appreciate hearing from you in this regard.

As always, please call us at 751-4015, or e-mail us at [rules@sosmail.state.mo.us](mailto:rules@sosmail.state.mo.us) if we may be of assistance to you with any phase of the rulemaking process.



Lynne C. Angle  
Director, Administrative Rules

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 13—Boll Weevil Eradication

### EMERGENCY RULE

#### 2 CSR 70-13.045 Registration of Apiaries

*PURPOSE: This rule states that apiaries within a mile of the eradication zone shall be registered by a specific date, providing site-specific locations and identification on each hive within the apiary.*

*EMERGENCY STATEMENT: This emergency rule provides protection to honey bees and to the public who are operating apiaries in the eradication zone of the boll weevil eradication program. This emergency rule is necessary to be in compliance with a new EPA policy, which went into effect on March 29, 2002 for the impending 2002 cotton growing season beginning May 2002. As a result, the Plant Industries Division finds that the timeliness for protection of these entities necessitates emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the urgent situation and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Plant Industries Division believes this emergency rule is fair to all interested persons and parties under the*

*circumstances. This emergency rule was filed on April 12, 2002, effective April 22, 2002, and expires January 30, 2003.*

(1) Every person or owner who is in possession of an apiary, which is located within the eradication zone or within one (1) mile of that zone, in the counties of Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, and Stoddard shall register each apiary location with the Missouri Department of Agriculture. Every person required to register under this regulation, shall do so on or before the first day of May of each year in which they own, maintain, or are in possession of an apiary.

(2) Every person who moves an apiary into the eradication zone or within one (1) mile of that zone or otherwise comes into possession of an apiary or hive that is located within the eradication zone after the first day of May, shall register with the Missouri Department of Agriculture, the number of and location of apiaries prior to movement into or upon possession within the eradication zone counties.

(3) Every person or owner who is in possession of an apiary, shall pay, an annual registration fee of five dollars (\$5) per apiary location up to a maximum of three hundred dollars (\$300) to the Missouri Department of Agriculture at the time of registration.

(4) No person shall maintain any apiary which is not registered pursuant to this article within one (1) mile of the eradication zone. Each registration is valid until January 31 of the following year.

(5) Every person or owner who is in possession of an apiary, within the eradication zone or within one (1) mile of that zone shall also provide the global position system (GPS) coordinates of each apiary location. The GPS coordinates shall be updated immediately upon relocation of the apiary. Failure to provide accurate GPS coordinates will void apiary registration.

(6) No person shall maintain an apiary on premises other than that of his or her residence unless the apiary is identified as follows:

(A) By a sign prominently displayed in each apiary that states the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone a statement to that effect. Each hive within the apiary shall be identified by name or brand.

(7) No person shall locate or maintain an apiary on private land not owned or leased by the person unless the person has approval from the landowner or lessee. The approval shall include the name, address and phone number of the person granting approval and shall be included with the registration.

*AUTHORITY: section 263.505, RSMo 2000. Emergency rule filed April 12, 2002, effective April 22, 2002, expires Jan. 30, 2003. A proposed rule covering this same material is published in this issue of the *Missouri Register*.*

## Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 13—Boll Weevil Eradication

### EMERGENCY RULE

#### 2 CSR 70-13.050 Cotton/Bee Protection Area

*PURPOSE: This rule states that all persons in possession of apiaries within the eradication zone or within one (1) mile of the eradication zone shall relocate apiaries out of the eradication*

zone during cotton bloom or take necessary action to protect bees and defines the policy used during the eradication program.

**EMERGENCY STATEMENT:** This emergency rule provides protection to honey bees and to the public who are operating apiaries in the eradication zone of the boll weevil eradication program. This emergency rule is necessary to be in compliance with a new EPA policy, which went into effect on March 29, 2002 for the impending 2002 cotton growing season beginning May, 2002. As a result, the Plant Industries Division finds that the timeliness for protection of these entities necessitates emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the urgent situation and complies with the protections extended in the *Missouri and United States Constitutions*. The Plant Industries Division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed on April 12, 2002, effective April 22, 2002, and expires January 30, 2003.

(1) Beekeepers with apiaries located within a cotton/bee protection area of the eradication zone will be notified of impending spray applications. Upon notification beekeepers shall move apiaries out of the cotton/bee protection area in the eradication zone prior to June 30 of each year. Beekeepers who chose not to move prior to June 30 shall be advised to protect apiaries by confining bees as described in MU publication G7600.

(A) Beekeepers not moving apiaries will be responsible for losses caused by bees foraging on treated cotton and must indicate on the apiary registration form that apiaries will not be removed from the cotton/bee protection area of the eradication zone by the specified date.

(B) The area within each field planted to cotton and within one (1) mile of any cotton planted is designated as a cotton/bee protection area during the cotton bloom period.

(C) The cotton bloom period, in any cotton field for the purposes of declaring bloom and label interpretation, shall be from July 1 until the first killing frost or defoliation of the cotton plants.

(2) Pesticide applications made in conjunction with the boll weevil eradication program during the cotton blooming period shall follow the procedures specified in the current version of the Boll Weevil Eradication Program Honeybee Policy as designated by the Missouri Department of Agriculture.

(3) Each beekeeper will be notified in advance of applications of pesticides in accordance with the Boll Weevil Eradication Program Honeybee Policy and shall file an agreed upon method of notification with registration form with how, when and where he/she can be contacted.

(4) Each beekeeper with apiaries located within a cotton/bee protection area shall be notified at least twenty-four (24) hours in advance of spray applications in accordance with the Boll Weevil Eradication Honey Bee Policy.

**AUTHORITY:** section 263.505, RSMo 2000. Emergency rule filed April 12, 2002, effective April 22, 2002, expires Jan. 30, 2003. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Drivers License Bureau Rules**

**EMERGENCY AMENDMENT**

**12 CSR 10-24.190 Drivers License Retesting Requirements After a License, School Bus Permit or Temporary Instruction Permit Expires.** The director proposes to amend section (1).

**PURPOSE:** This amendment clarifies that a valid Missouri driver license, school bus permit, or temporary instruction permit can be renewed up to six (6) months (one hundred eighty-four (184) days) prior to the date of expiration.

**EMERGENCY STATEMENT:** This emergency amendment is required to define when early renewal of a driver license is permitted. Current regulation indicates that the driver license may be renewed on or before the expiration date without clearly stating how early before expiration the license may be renewed. Making this change will ensure that renewal of driver licenses are evenly distributed throughout the year. Additionally, following September 11, 2001, the United States Congress passed Public Law 107-56 which sets forth additional criminal and background checks that must be completed on any driver being issued or renewing a commercial driver license authorizing them to transport hazardous material. It is imperative for the preservation of public health and safety that these drivers undergo such checks. Allowing unlimited early renewal of the driver license would provide a mechanism for drivers to avoid such checks for up to six (6) years. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the earliest date on which renewal of the driver license will be permitted. It will provide a sufficient window of time for the criminal and background checks required for commercial drivers transporting hazardous materials to be completed prior to license expiration without permitting the driver to circumvent requirements of Public Law 107-56. Drivers will be renewed and checked in an organized manner up to six (6) months prior to current license expiration. The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the *Missouri and United States Constitutions*. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed April 4, 2002, effective April 14, 2002, expires Oct. 10, 2002.

(1) Every holder of a valid driver[s] license, school bus permit, or temporary instruction permit shall renew that license or permit on or before the date of expiration. **This license or permit can be renewed up to six (6) months (one hundred eighty-four (184) days) prior to the date of expiration.**

**AUTHORITY:** section 302.173, RSMo Supp. 2001. Original rule filed Oct. 30, 1989, effective Feb. 25, 1990. Amended: Filed July 15, 1991, effective Oct. 31, 1991. Amended: Filed Nov. 21, 1991, effective April 9, 1992. Amended: Filed June 29, 2000, effective Dec. 30, 2000. Amended: Filed Sept. 27, 2001, effective March 30, 2002. Emergency amendment filed April 4, 2002, effective April 14, 2002, expires Oct. 10, 2002. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Drivers License Bureau Rules**

**EMERGENCY AMENDMENT**

**12 CSR 10-24.326 Third Party Tester and Examiner Sanction and Hearing Guidelines.** The director proposes to delete section (11) and update the charts to reflect this change.

*PURPOSE: This amendment removes the provision from the pending rule which imposes sanctions on commercial truck driver training centers and commercial truck driver trainers employed by such centers that administer third party commercial driver license examinations to drivers trained by such centers and trainers.*

*EMERGENCY STATEMENT: This amendment removes the sanctions imposed on commercial truck driver training centers and commercial driver trainers employed by such centers that administer third party commercial driver license (CDL) examination. The pending rule, which takes effect April 30, 2002, imposes sanctions on trainers who administer the CDL third party examination to drivers they have trained. This prohibition has been determined to place the operation of such training centers in jeopardy which has a detrimental economic impact to on the welfare of the State of Missouri and several local communities where such centers operate throughout the state. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public that such sanctions will not be included in the pending rule. The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the **Missouri** and **United States Constitutions**. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed April 12, 2002, effective April 30, 2002, expires Oct. 26, 2002.*

*[(11) Any Missouri public school district and their pupil transportation contractor or Missouri state operated training center is exempt from the requirement and sanctions in the third party tester/examiner requirements stating the third party tester may not both train and test.]*

**MISSOURI DEPARTMENT OF REVENUE THIRD PARTY TESTING PROGRAM  
SANCTIONS**

**EXAMINER**

**VIOLATIONS      FIRST OFFENSE      SECOND OFFENSE      THIRD OFFENSE      FOURTH OFFENSE**

<b>VIOLATIONS</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>FOURTH OFFENSE</b>
<b>EXAMINER RECORDKEEPING AND BUSINESS PRACTICES</b>				
Examiner conducts test while non-certified, suspended or decertified.	Decertification			
Examiner conducts tests without DOR approval or conducts tests for more than one tester.	Decertification			
Examiner does not adhere to fee schedule.	Warning letter	30-day suspension.	60-day suspension.	Decertification
Examiner fails to maintain or complete records as required.	Warning letter	30-day suspension.	60-day suspension.	Decertification
Examiner fails to respond to DOR/MSHP request for information or fails to comply with DOR/MSHP instruction, directive or ruling.	Suspension until complies	Decertification		
<b>EXAMINER QUALIFICATIONS</b>				
Examiner application indicates felony conviction in last five years.	Denial/Decertification			
Examiner driving history indicates conviction for any alcohol related enforcement contacts (DWI, DUI, BAC, DUID, etc) in MO or any other state within lasts five years.	Denial/Decertification			
Examiner driving history indicates a suspension, revocation, cancellation or disqualification in MO or any other state within last five years.	Denial/Decertification			
Examiner fails to attend required re-certification courses as required by the Director every three (3) years or when required based upon audit findings.	Suspension until re-certification course completed.	Decertification		

Examiner fails to report suspension, revocation, cancellation or disqualification.	Suspension up to one year or decertification.			
<b>SKILLS TEST ADMINISTRATION</b>				
Examiner encourages or accepts bribe or gratuity.	Decertification			
Examiner falsifies records or information or misrepresents by omitting any test requirement or procedure.	Suspension up to one year and/or decertification.			
Examiner fails to inform DOR/MSHP concerning civil or criminal actions related to skills test.	Suspension up to one year and/or decertification.			
Examiner administers skills test without proper CDL License and appropriate endorsements and/or restrictions.	30-day minimum suspension and re-audit.	Decertification		
Examiner knowingly re-tests failed applicant within same day.	Warning	30-day suspension	60-day suspension	Decertification
Examiner allows unauthorized passengers in the test vehicle during skills testing.	Warning and possible re-audit	30-day suspension	60-day suspension.	Decertification
Audit of examiner finds scoring and form completions inconsistent with TPT manual guidelines.	Re-audit and/or 30 day suspension	60 day suspension	Decertification	

**MISSOURI DEPARTMENT OF REVENUE THIRD PARTY TESTING PROGRAM  
SANCTIONS**

**TESTER**

<b>VIOLATIONS</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>FOURTH OFFENSE</b>
<b>TESTER RECORDS AND BUSINESS PRACTICES</b>				
Tester operates without Department of Revenue authorization.	Application denied for minimum of five (5) years.			
Tester does not maintain insurance as required per section C -3 in tester contract.	Suspended until Department receives proof of required insurance.	30 day suspension and must submit proof of required insurance to Department of Revenue.	Decertification	
Tester does not maintain certificate of authorization for use of test site(s) as required.	Suspended until receipt of authorization and posting of certificate.	30 day suspension and must receive authorization and post certificate	Decertification	
Tester uses non-certified, suspended or decertified examiner.	Decertification			
Tester uses examiner without Department of Revenue approval or allows examiner to test for more than one tester.	Decertification			
Tester does not adhere to fee scheduling.	Warning letter to TPT	30 day suspension	60 day suspension	Decertification
Tester representative fails to attend audit/inspection without notification.	30-day suspension	60-day suspension	Decertification	
Tester fails to comply with monthly reporting requirements.	Warning letter to TPT	30 day suspension	60 day suspension	Decertification
Tester fails to respond to DOR/MSHP request for information or fails to comply with DOR/MSHP instruction, directive or ruling.	Suspension until complies	Decertification		
Tester fails to maintain permanent structure and business street address.	Suspension until complies	Decertification		
Tester records not maintained at each test site in centralized location.	If audit can be completed, warning letter to TPT. If audit cannot be completed, warning letter to TPT and reschedule audit.	30-day suspension.	Indefinite suspension until complies	Decertification
Tester fails to notify DOR of any changes to tester or examiner status.	Warning	30-day suspension.	Decertification	

<b>TEST SITE FACILITIES</b>				
Site does not comply with basic control, pre-trip and skills course layout or space requirements.	Warning and/or up to 30 day suspension	Warning and/or up to 60 day suspension	One (1) year suspension or possible decertification.	Decertification
<b>TEST ADMINISTRATION</b>				
Tester encourages or accepts bribe or gratuity.	Decertification			
Tester falsifies records or information, or misrepresents by omitting, any test requirement or procedure or encourages/requires examiner to do the same.	Decertification			
Tester fails to inform DOR/MSHP concerning civil or criminal actions related to complaints regarding skills testing.	Suspension up to one year pending additional action or decertification.			
Tester allows examiner to administer skills test without proper CDL license and appropriate restrictions or endorsements.	30-day suspension and re-audit.	Decertification		
Tester allows examiner to administer tests during non-daylight hours.	30 day suspension	60 day suspension	Decertification	
Tester allows examiner to knowingly re-test failed applicant within same day.	Warning	30 day suspension	60 day suspension	Decertification
Tester allows examiner to administer skills tests with unauthorized passengers in test vehicle.	Warning	30 day suspension	60 day suspension	Decertification

*AUTHORITY: sections 302.720 and 302.765, RSMo 2000. Original rule filed Sept. 27, 2001, effective April 30, 2002. Emergency amendment filed April 12, 2002, effective April 30, 2002, expires Oct. 26, 2002. A proposed amendment covering this same material is published in this issue of the Missouri Register.*